

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible)	WC Docket No. 09-197
for Universal Service Support)	

REPLY COMMENTS OF TRACFONE WIRELESS, INC.

TracFone Wireless, Inc. (“TracFone”) hereby files its Reply Comments regarding its Second Amendment to Petition to Expand Eligible Telecommunications Carrier Designation to Include Tribal Lands (“Second Amended Petition”).¹ As detailed in the Second Amended Petition, TracFone seeks to expand its Eligible Telecommunications Carrier (“ETC”) designation to include Tribal lands within certain states for which the Commission authorized TracFone to provide service (“FCC-designated states”).² The Commission’s grant of the Second Amended Petition would benefit the public interest by allowing TracFone to provide enhanced benefits to Tribal land households and expanding the availability of mobile broadband service to Tribal land residents. Furthermore, there is no legal or public interest basis for continuing to delay approval of TracFone’s request to expand its ETC designated area to include Tribal lands.

The Oceti Sakowin Tribal Utility Authority (“OSTUA”) is the only entity that filed comments in response to the Public Notice. OSTUA, which represents a coalition of Indian Tribes and is knowledgeable about the telecommunications needs of residents of Tribal lands, strongly supports TracFone’s Second Amended Petition. OSTUA states that granting

¹ See *Public Notice – Wireline Competition Bureau Seeks Comment on TracFone Wireless, Inc.’s Second Amendment to Petition to Expand Eligible Telecommunications Carrier Designation to Include Tribal Lands and Motion for Expedited Action*, DA 19-258, released Apr. 4, 2019.

² The FCC-designated states include Alabama, Connecticut, New York, North Carolina, and Virginia. See Petition filed on September 11, 2017, as amended on September 18, 2017 (deleting Massachusetts).

TracFone's request will enable Tribal residents of the FCC-designated states "to have access to voice and broadband services comparable to those available in urban areas and allow Tribal residents of these states to realize the benefits of TracFone's Lifeline services available to residents of Tribal lands in other states."³ TracFone's ability to offer telecommunications and broadband services to residents of Tribal lands that are comparable to services offered in urban areas is consistent with the statutory principles of universal service.⁴

As mentioned by OSTUA, "TracFone's proposed Tribal Lifeline offering will greatly benefit residents of Tribal land in [FCC-designated states]."⁵ TracFone explained in its Second Amended Petition that its Tribal lands no charge Lifeline offering would provide Tribal land households with a significantly less expensive and more affordable bundled service (with unlimited voice and text service and 4 GB of mobile broadband data service each month) than is currently being offered to residents of Tribal lands in the FCC-designated states. In Connecticut and Virginia, where no ETCs are providing Lifeline service on Tribal lands, TracFone's ability to offer Tribal Lifeline service would allow Tribal land residents to have the opportunity to receive telecommunications and broadband services for no charge. In Alabama and North Carolina (where a significant amount of Tribal Lifeline support is received by one ETC in each state) and in New York (where only a few Tribal land households receive Lifeline service from one wireline ETC), TracFone's Tribal Lifeline service will substantially increase competition in the provision of Lifeline service to residents of Tribal lands. Increased competition will lead to

³ OSTUA Comments, at 1.

⁴ See 47 U.S.C. § 254(b)(2) ("[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation"); see also 47 U.S.C. § 254(b)(3) (consumers in all regions of the Nation should have access to telecommunications and information services comparable to such services provided in urban areas).

⁵ OSTUA Comments, at 2.

additional consumer choices and delivery of greater value to consumers. Moreover, as described in detail in TracFone's Petition filed on September 11, 2017, consumers who live on remote and underserved Tribal lands have difficulty in accessing basic services, as well as advanced telecommunications services, such as broadband services. Therefore, the availability of Lifeline support to provide Tribal land residents services that include basic telecommunications services and advanced telecommunications services (*i.e.*, broadband Internet access) is especially important.⁶ The Commission's grant of TracFone's petition will allow TracFone to contribute to closing the digital divide affecting residents of Tribal lands.

OSTUA also notes that TracFone has a history of engaging with Tribes and that its Tribal lands Lifeline offering will meet the needs of Tribal lands residents by providing "4 GB of mobile broadband data over the underlying carrier [network] that provides the best coverage to the customer based on the customer's residential address."⁷ As explained by OSTUA, TracFone engages with Tribes "to ensure that all Tribal requirements are satisfied prior to offering service on Tribal lands."⁸ In addition to providing a copy of the Second Amended Petition to Tribal governments and Tribal regulatory authorities in the FCC-designated states as required by 47 C.F.R. § 54.202(c), TracFone has sent letters to Tribes in the FCC-designated states. In each letter, TracFone advises the Tribe that it is in the process of obtaining all required approvals to provide Lifeline service on Tribal lands, describes its proposed enhanced Lifeline service that will be available to residents of Tribal lands, and states its desire to engage with the Tribe to

⁶ See *Lifeline and Link Up Reform and Modernization, et al.* (Third Report and Order, Further Report and Order, and Order on Reconsideration), 31 FCC Rcd 3962, ¶ 205 (2016) (finding that "the disproportionately low adoption of telecommunication services on Tribal lands, especially those in remote and underserved areas, makes clear that there is much more progress to be made in increasing penetration and adoption of Lifeline services").

⁷ OSTUA Comments, at 2-3.

⁸ *Id.* at 3.

ensure that its service and marketing efforts meet the needs of residents of Tribal lands and satisfy any applicable Tribal requirements. An example of TracFone's Tribal engagement letter is provided as Exhibit 1.

Finally, OSTUA supports the Commission's expeditious grant of TracFone's Second Amended Petition. As TracFone has explained, the Commission previously has determined that it meets the requirements for designation as an ETC for the purpose of receiving federal Tribal lands support and there are no Commission rules, policies, or orders that justify further delay or denial of TracFone's request to expand its ETC designated area to include Tribal lands.⁹ Given the lack of any Commission precedent precluding grant of TracFone's petition and the absence of any comments advocating denial of the Second Amended Petition, there is no basis for the Commission to further delay grant of the petition, which has been pending for nearly 20 months.

CONCLUSION

For the reasons set forth in TracFone's Second Amended Petition, its initial Petition filed on September 11, 2017, and in these reply comments, TracFone respectfully requests that the Commission promptly issue an order granting its petition and expanding TracFone's ETC designated area in the FCC-designated states to include Tribal Lands so that TracFone can provide enhanced Lifeline benefits to eligible Tribal land households and increase Lifeline service competition consistent with the public interest. Tribal residents of those states listed in TracFone's Second Amended Petition have been denied a choice of Lifeline providers for far too long. No public interest benefit will be achieved by further delay in acting on TracFone's long-pending petition.

⁹ See TracFone's Second Amended Petition, at 7-9.

Respectfully submitted,

TRACFONE WIRELESS, INC.

By: _____

Mitchell F. Brecher
Debra McGuire Mercer
GREENBERG TRAURIG, LLP
2101 L Street, NW
Suite 1000
Washington, D.C. 20037
(202) 331-3100

Its Attorneys

April 29, 2019

EXHIBIT 1



FREE WIRELESS PROGRAM
LIVE CONNECTED

April 12, 2019

Chairman Rodney Butler
Mashantucket Pequot Indian Tribe
2 Matt's Path
Mashantucket, CT 06338-3060]

Dear Chairman Butler:

TracFone Wireless ("TracFone") is the largest Lifeline Service provider in the United States and is taking steps to make available its industry leading SafeLink Wireless® Lifeline telecommunications service offerings to residents of Tribal Lands through an Enhanced Tribal Lifeline Service offering. This innovative Enhanced Tribal Lifeline Service offering is exclusively available to eligible residents of Tribal Lands and includes, at no charge, subject to change: (1) unlimited voice domestic calls with no additional charges for roaming; (2) voice features, such as voicemail, caller-ID, call waiting, and 3-way calling; (3) unlimited text messaging; and (4) 4 GB of mobile broadband Internet access for on-line educational work, access to social, health, business and government resources, and access to entertainment and other on-line content. TracFone looks forward to working with your Tribe to make its Enhanced Tribal Lifeline Service offering available to residents of Tribal lands.

To provide Enhanced Tribal Lifeline Service, TracFone is in the process of obtaining all necessary approvals to serve Tribal Lands. TracFone recognizes and appreciates the sovereignty and jurisdiction of your Tribe and wishes to engage in discussions about the Lifeline communications needs of residents of Tribal lands. Specifically, consistent with the guidelines adopted by the Office of Native Affairs and Policy ("ONAP") of the Federal Communications Commission ("FCC"), TracFone provides the following information to begin the process of engaging with your Tribe to make TracFone's Enhanced Tribal Lifeline Service offering available to residents of Tribal lands.

Coordination and Communications. TracFone recognizes the importance of communicating with your Tribe to fully inform you of our efforts to provide Enhanced Tribal Lifeline Service on Tribal lands. TracFone anticipates this new



service offering will be of great benefit to Tribal residents. We recognize your Tribe's sovereignty and jurisdiction and will proceed in a manner that best serves the communications needs of residents of Tribal lands.

Point of Contact. Please let me know if you have any questions or would like additional information about TracFone's proposed Enhanced Tribal Lifeline Service offering. Gene DeJordy is contacting you to further coordinate TracFone's planned offering. Gene's email contact information is Gene@Dakelyn.com and his phone number is 203-583-0256. If there is a specific individual within your Tribe that we should coordinate with on this matter, please let us know.

Needs Assessment and Planning. Lifeline Service is generally available from several service providers, including wireline telephone companies and mobile wireless carriers. However, residents of Tribal Lands generally do not have access to service offerings available in non-Tribal areas, typically resulting in increased costs and/or reduced services for Tribal residents. TracFone's Enhanced Tribal Lifeline Service offering will enable residents of Tribal lands to obtain access to a new voice, text, and mobile broadband Internet access service offering that may better serve their communications needs.

Feasibility and Sustainability Planning. TracFone recognizes that serving your Tribe may present unique challenges due to mobile wireless coverage and affordability of voice, text, and mobile broadband Internet access service offerings. Allowing TracFone to provide Lifeline service to Tribal lands will enable residents of Tribal lands to obtain reliable service at affordable prices. Normally, the service will be provided at no charge to Tribal residents.

Marketing Service In A Culturally Sensitive Manner. TracFone commits to working with your Tribe to offer Enhanced Tribal Lifeline Service in a manner that meets the Tribe's specific needs and requirements with an awareness of, and sensitivity to, cultural concerns. To ensure it meets all applicable requirements and interests, TracFone will coordinate with the appropriate Tribal government entities prior to, and after, making its Enhanced Tribal Lifeline Service available on Tribal lands.

Rights-Of-Way and Permitting. TracFone uses the facilities of other telecommunications carriers to provide service and will not have any of its own





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facilities, such as cell sites, on Tribal lands. Consequently, TracFone does not anticipate the need to obtain any rights-of-way or permits. As a telecommunications reseller, TracFone will not construct or install its own telecommunications facilities and therefore will not interfere with any sacred or otherwise protected areas within the Reservation.

Tribal Business and Licensing Requirements. TracFone will obtain all necessary Tribal approvals and licenses to provide Enhanced Tribal Lifeline Service on Tribal lands. As TracFone finalizes its plans for providing service, it will work with your Tribe to address all Tribal requirements for providing Enhanced Tribal Lifeline Service on Tribal lands.

We look forward to serving the Lifeline communications needs of residents of Tribal lands and working with your Tribe on this important initiative. We will contact you in the coming days to further coordinate and discuss TracFone's planned Enhanced Tribal Lifeline Service offering. In the meantime, please do not hesitate to contact me or Gene DeJordy.

Respectfully,

Anthony Fields

Senior Director, Lifeline Services
TracFone, Wireless, Inc.
9700 NW 112th Avenue
Miami, FL 33178
Phone: 305-715-6500

